

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

LEROY LAMONT WELLS,

No. 2:20-cv-00968-JE

Plaintiff,

ORDER

v.

SUE WASHBURN,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Jelderks issued a Findings and Recommendation [10] on August 6, 2020, in which he recommends that this Court deny Plaintiff's application to proceed *in forma pauperis*. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed objections to the Magistrate Judge's Findings & Recommendation. Pl.'s Obj. I, ECF 12; Pl.'s Obj. II, ECF 13. When any party objects to any portion of the Magistrate

Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

### **CONCLUSION**

The Court ADOPTS Magistrate Judge Jelderks' Findings and Recommendation [10]. Therefore, Plaintiff's Motion to Proceed *In Forma Pauperis* [6] is DENIED. If Plaintiff wishes to continue with this case, he must pay the \$400.00 filing fee within 30 days. Failure to do so will result in the dismissal of this action without prejudice.

IT IS SO ORDERED.

DATED: October 9, 2020.

  
MARCO A. HERNANDEZ  
United States District Judge